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Walmart Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KATHRYN KELLY, an individual

Plaintiff,

v.

WALMART INC.; DOES I-X, and ROE
CORPORATIONS I-X, inclusive;

Defendant(s).

Case No.: 2:20-cv-01129-GMN-EJY

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXTEND DISCOVERY
DEADLINES**

[FIRST REQUEST]

Plaintiff KATHRYN KELLY (hereinafter "Plaintiff") and Defendant WALMART INC. (hereinafter "Defendant" or "Walmart"), by and through their respective counsel of record, do hereby stipulate to extend the remaining deadlines in the current scheduling order and discovery plan in this matter for a period of forty-five (45) days for the reasons explained herein.

Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the first such discovery extension requested in this matter.

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DISCOVERY COMPLETED TO DATE

- The parties have conducted an FRCP 26(f) conference and have served their respective FRCP 26(a) disclosures;
- Defendant has served written discovery to Plaintiff and Plaintiff has submitted timely responses;
- Plaintiff has served upon Defendant written discovery;
- The parties have filed all required documents pursuant to ECF 2 to date;
- Plaintiff has provided provider specific authorizations;

DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF DISCOVERY

Discovery to be completed includes:

- Defendant's responses to Plaintiff's written discovery;
- Deposition of Plaintiff;
- Depositions of Plaintiff's treating physicians;
- Depositions of fact witnesses;
- Disclosure of experts by both parties;
- Depositions of expert witnesses and rebuttal expert witnesses; and
- Plaintiff to notice Defendant's 30(b)(6) deposition.

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension. The parties agree that, pending this Court's approval, extension of remaining discovery deadlines is appropriate, as there was a slight delay in scheduling Plaintiff's deposition and the submission of the Joint Discovery Plan and Scheduling Order. Defendant's calendar reflected State's Court deadlines as oppose to the scheduling order pursuant to this Court. This was an innocent oversight. Defendant has subpoenaed applicable medical records regarding Plaintiff's treatment pre and post incident and have set Plaintiff's deposition. These medical records and Plaintiff's deposition transcript are required to retain an expert and to provide a complete report, so the matter is decided on the merits. According, the parties have agreed to a 45-day discovery extension to allow Plaintiff's deposition to be taken by Defendant prior to expert disclosures.

The parties have acted in good faith to request this extension and have no intent, nor reason, to delay the resolution of this matter.

~~PROPOSED~~ NEW DISCOVERY DEADLINES

Deadline to Amend Pleading:

Currently: September 17, 2020

Proposed: **November 2, 2020**

Expert Disclosure Deadline:

Currently: October 17, 2020

Proposed: **December 1, 2020**

Rebuttal Expert Disclosure Deadline:

Currently: November 16, 2020

Proposed: **December 31, 2020**

Discovery Cut-Off Date:

Currently: December 16, 2020

Proposed: **January 30, 2021**

Dispositive Motion Deadline:

Currently: January 15, 2021

Proposed: **March 1, 2021**

Proposed Joint Pre-Trial Deadline:

Currently: February 12, 2021

Proposed: **March 29, 2021**

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If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

DATED this 31st day of August, 2020.

GINA CORENA & ASSOCIATES

/s/ Mahna Pourshaban

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Attorneys for Plaintiff

Kathryn Kelly

DATED this 31st day of August, 2020.

PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ Latisha Robinson

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Attorneys for Defendant

Walmart Inc.

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: August 31, 2020